

ECS File: JPA-89-93
Project: State Route 85
Section: Town of Buckeye

MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF BUCKEYE

THIS AGREEMENT is entered into 7 May, 1990,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF
BUCKEYE, acting by and through its Town Council (the "Town").

I. RECITALS:

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. State and Town desire to define their respective responsibilities for the construction of improvements to State Route 85, to include drainage improvements in the vicinity of 4th Street, as well as future signalization at Eason Street, at an estimated cost of \$165,000, hereinafter referred to as the Project, and transfer jurisdiction and maintenance responsibility for State Route 85 within the town limits to the Town of Buckeye.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK:

1. The Town will:

a. Design, call for bids and award one or more construction contracts for the Project. Administer same and be responsible for any contractor claims for extra compensation.

b. Invoice the State for it's portion of the Project, in an amount not to exceed \$125,000.

c. Upon receipt of payment, accept jurisdiction for and provide maintenance to SR-85 within the limits of the Town.

2. The State will:

a. Pay the Town \$125,000 within 30 days after receipt of the invoice.

b. Abandon jurisdiction and maintenance responsibility of SR-85 within the Town limits to the Town, one day subsequent to depositing the payment check in the U.S. mail.

III. MISCELLANEOUS PROVISIONS:

1. This agreement shall remain in force and effect until completion of payment and transfer of jurisdiction; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the abandonment of jurisdiction, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

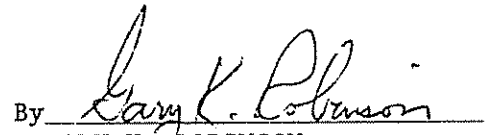
Town Manager
Town of Buckeye
715 Monroe Street
Buckeye, AZ 85326

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


TOWN OF BUCKEYE

STATE OF ARIZONA
Department of Transportation

By 
J.N. SCHETTINO
Mayor
Title

By 
GARY K. ROBINSON
Chief Deputy State Engineer

ATTEST:

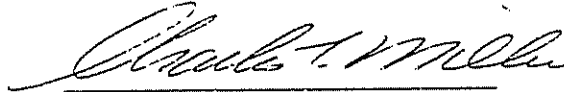

Fred Carpenter
Town Clerk

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RESOLUTION

BE IT RESOLVED on this 19th day of June 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Town of Buckeye for the purpose of installing a traffic signal at the intersection of SR 85 and Eason Avenue within the Town of Buckeye.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION 18-90

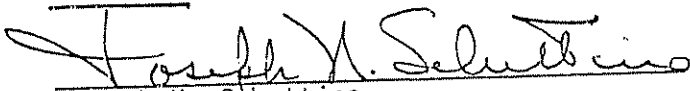
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION.

BE IT RESOLVED by the Mayor and Common Council of the Town of Buckeye, as follows:


Section 1 Entering into a Memorandum of Agreement (Exhibit "A", attached hereto) with the Arizona Department of Transportation for abandonment of State Route 85 within Buckeye town limits is hereby authorized.

Section 2 The Mayor of the Town of Buckeye is hereby authorized and directed to sign the Memorandum of Agreement on behalf of the Town of Buckeye.

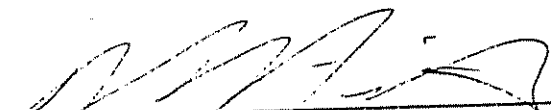
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Buckeye, Arizona, this 1st day of MAY 1990.


Joseph N. Schettino
Mayor

ATTEST:

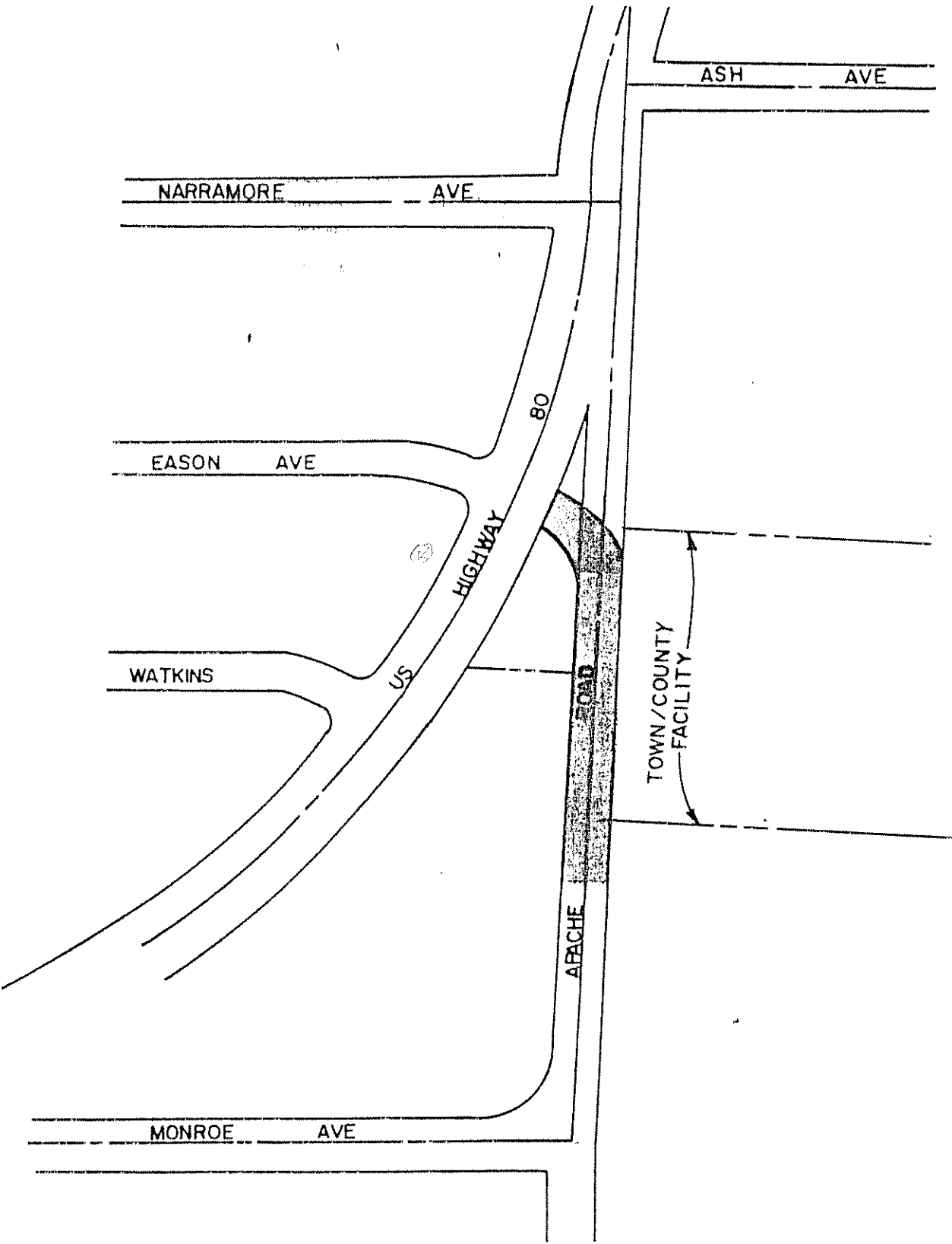

Fred Carpenter
Town Clerk

APPROVED AS TO FORM:


Paul J. Faith
Town Attorney

I hereby certify that this is a true and correct copy of Resolution 18-90 of the Town of Buckeye.


Fred Carpenter, Town Clerk



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